

PATENT APPLICATION
Navy Case No.: 79,212

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of: Singh et al.

Serial No.: 09/725,309

Filed: November 29, 2000

For: PASSIVATION OF NERVE AGENTS BY SURFACE MODIFIED ENZYMES
STABILIZED BY NON-COVALENT IMMOBILIZATION ON ROBUST, STABLE
PARTICLES

Examiner: Hutson, Richard

Art Group Unit: 1652

March 29, 2002

Honorable Commissioner of Patents
Washington, D.C. 20231

FAX RECEIVED

MAR 29 2002

PETITIONS OFFICE

RESPONSE TO RESTRICTION REQUIREMENT WITH TRAVERSE

Sir:

In response to the restriction requirement set forth in the office action of 02/13/2002, Applicants hereby provisionally elect claims 3-14 for examination, with traverse. Claims 1-14 remain in the application.

The Examiner has required restriction between claims 1 and 2 (group I), drawn to surface modified enzyme, and claims 3-14 (group II), drawn to a method for stabilizing enzymes. The inventions are related as process of making and product made. The two groups of claims have been classified into different classes. Group I has been classified in class 435, subclass 188. Group II has been classified in class 435, subclass 440. Applicants contend that both groups are properly classified into class 435, subclass 188. Therefor, search and examination of the entire application can be made without serious burden and restriction is improper.

Subclass 188 is directed to stabilizing an enzyme by forming a mixture, an adduct, or a composition, or formation of an adduct or enzyme conjugate. The definition of the subclass includes:

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Subject matter wherein (a) the enzyme is contacted with an extraneous material to impart to the enzyme a resistance to loss of activity, or (b) the enzyme is reacted with a nonenzymatic material to form a complex or a chemically modified enzymatic compound, e.g., conjugate, ligand, etc.
(Manual of Patent Classification)

The subclass definition does not restrict between processes and products. Both are included. Further, this subclass is indented under subclass 183, which expressly includes "Enzymes, per se, compositions containing enzymes, processes for synthesizing enzymes, and preparing enzyme compositions."

Under MPEP 803, the Examiner must examine the entire the application if the search and examination can be made without serious burden, even if it includes independent or distinct inventions. As all claims should fall under the same class and subclass, they have not acquired a separate status in the art. Applicants respectfully submit that the Examiner has not met the burden of showing that search and examination cannot be made without serious burden and request that the restriction requirement be reconsidered and withdrawn.

In the event that a fee is required, please charge the fee to Deposit Account No. 50-0281,

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and in the event that there is a credit due, please credit Deposit Account No. 50-0281.

Respectfully submitted,

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CERTIFICATION OF FACSIMILE TRANSMISSION

I certify that this paper is being facsimile transmitted to the Patent and Trademark Office
on the date shown below.

3-29-02
Date

Joseph T. Grunkemeyer
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